THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.24745 of 2005

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Dated:13.12.2005

Between:

Jayalakshmi Solanki W/o. Patatlal
C/o.Syed Afzal Ahmed,Advocate H.No.12-158,Mancherial, Adilabad

District .

..... PETITIONER

AND

The District Collector, Adilabad, Adilabad District, and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.24745 of 2005

ORDER:

The petitioner claims to be the owner of land comprised in Survey Nos.199 and 204 of Mancherial Village, Adilabad District, having purchased the same from one M/s.Hyderabad Steel and Wire Products Limited, under registered sale deed, dated 12.11.1971. She alleges that the second respondent has taken the land for laying the road, but did not pay the compensation, nor initiated proceedings under the Land Acquisition Act, 1894 (for short 'the Act'). The petitioner gave a representation on 02.02.2005 requesting the second respondent to initiate proceedings under the Act, in vain. Therefore, she filed the present writ petition.

Along with the writ petition, the petitioner did not enclose documentary proof of her title. When this objection was raised by the learned Standing Counsel, the learned Counsel for the petitioner sought time to produce the documents. Today, the learned Counsel for the petitioner has produced Xerox copies of the sale deeds executed by M/s.Hyderabad Steel and Wire Products Limited, dated 12.11.1971, in favour of the petitioner in respect of the land in Survey Nos.199 and 204.

The second respondent has filed a counter affidavit denying the various allegations. However, it is stated that in 1977, Mancherial Municipality formed many roads including 80 feet Master Plan road, which is used as by-pass road. It is also alleged that the petitioner filed many representations without enclosing any documents, and therefore, the matter could not be considered.

The averments made in the counter affidavit at best are vague and non-committal. It is not clear whether the roads laid in 1977 or 80 feet by-pass road as per Master Plan, are the roads on the land or part of the land of the petitioner in Survey Nos.199 and 204. This is a matter, which requires verification by the second respondent. Therefore, the petitioner is given liberty to make another representation, duly enclosing various certified copies of the sale deeds, under which she purchased the land in Survey Nos.199 and 204 of Mancherial Village, and also proof of her possession. As and when such representation is made by the petitioner, the second respondent shall get it verified with reference to ground position and if any part of the petitioner's land is utilized for laying down either the municipal road or by-pass road as per the Master Plan, necessary steps may be initiated for payment of compensation to the petitioner either by negotiations or under the provisions of the Act. The exercise of completing enquiry into the grievance of the petitioner may be completed within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observation and direction, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

13.12.2005

vs